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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,293	10/09/2001	Truels Stern Larsen	P67157US0	4934
136	7590	06/28/2005	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			BROWN, MICHAEL A	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

C

Office Action Summary	Application No. 09/926,293	Applicant(s) LARSEN ET AL.	
	Examiner Michael Brown	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15,17-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9-13, 15, 17, 21 and 23-24 is/are rejected.
- 7) ☒ Claim(s) 18,19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-6, 12, 17 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Delmore.

Delmore discloses in figure 2a pressure dressing comprising an absorbent element 32, a substantially non-absorbing pressure distributing element 30, the absorbent element is situated eccentrically with respect to the pressure element (col. 7, lines 44-46), the absorbent element is situated on a border of the pressure distributing element (the border is the top edge of 30 in figure 3), the pressure distributing element is an elastomer (col. 4, lines 53-57) that includes polyurethane (col. 4, line 57), the absorbent element is made of polyurethane (col. 5, lines 40-43) and a top layer (the

protective paper) that covers the pressure distributing element before the device is applied to the skin. The pressure distributing element has adhesive properties (self adhering). The absorbent element is located on one side of a centerline drawn perpendicular to the longitudinal length of the pressure distributing element (col. (col. 7, lines 44-46)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmore in view of Malloui.

Delmore discloses in figures 1-2 a pressure dressing, substantially as claimed. However, Delmore does not disclose the absorbent element extending through or partially through the pressure distributing element or the pressure distributing element having indentations. Malloui teaches in figures 1-3 a pressure dressing comprising an absorbent element 3 that extends through a pressure distributing element (2, 2). The pressure distributing elements has indentations (fig. 3). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the absorbing element disclosed by Delmore could extend through or partially through the pressure distributing element as taught by Malloui in order to allow a specific amount of pressure to cause the absorb element to move into contact with a wound and absorb

body fluids. The indents could be used to allow air to pass through the pressure distributing element. Delmore also discloses indentations (the outer layer is porous).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delmore in view of Flam.

Delmore discloses in figure 2 a pressure dressing, substantially as claimed. However, Delmore does not disclose the dressing having a pressure indicator. Flam teaches in figure 1 a pressure dressing comprising a pressure indicator (col. 3, lines 3-6). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the pressure indicator as taught by Flam could be incorporated into the pressure dressing disclosed by Delmore in order to be able to signal changes in the amount of pressure applied to the dressing over a wound.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmore in view of Dobos.

Delmore discloses in figure 2 a pressure dressing, substantially as claimed. However, Delmore does not disclose absorbent element having an antimicrobial agent or the pressure distributing element being elliptical in shape. Dobos teaches in figures 1-12 a pressure dressing comprising an absorbent element that includes an antimicrobial agent (col. 11, lines 45-48) and the dressing can be any shape (col. 11, lines 34-36, which includes elliptical). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the absorbent element disclosed by Delmore could be fabricated with an antimicrobial agent as taught by Dobos in order to increase a defense against microorganisms. The pressure

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distributing element could be any shape (any shape includes elliptical) because the shape is not critical.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 13 above, and further in view of Marcussen.

Marcussen teaches in figure 1 a dressing comprising beveled edges 4. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the edges of the dressing disclosed by Delmore could be fabricated as beveled edges as taught by Marcussen in order to use the beveled edges to be able to grip the outer edge of the dressing when pulling the dressing from a wound or incision.

Allowable Subject Matter

Claim 18-19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25-26 are allowed.

Response to Arguments

Applicant's arguments filed March 28, 2005 have been fully considered but they are not persuasive. Applicant argues that Malloul nor Delmore discloses an absorbent element that is inset within the pressure distributing element. However, Delmore was used to set forth the environment of an absorbent element attached to a pressure element. Malloul was used as a modifier to insert the absorbent layer into a portion of the pressure distributing element. The issue here is whether the absorbent layer is partially or completely inserted into the pressure distributing element. However, clearly,

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Delmore discloses all of the structural elements. Malloul clearly provides a teaching for partially or completely inserting the absorbent layer into the pressure distributing element. However, it would be obvious to one of ordinary skill in the art that inserting the absorbent layer into the pressure distributing element wouldn't involve an inventive step.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

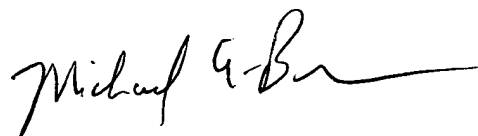
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 703-308-2682. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown
June 22, 2005

A handwritten signature in black ink, appearing to read "Michael A. Brown", with a long horizontal flourish extending to the right.

MICHAEL A. BROWN
PRIMARY EXAMINER